

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**CHINO VALLEY UNIFIED SCHOOL DISTRICT, a local educational agency;
ANDERSON UNION HIGH SCHOOL DISTRICT, a local educational agency;
ORANGE COUNTY BOARD OF EDUCATION, a local educational agency;
OSCAR AVILA, an individual; MONICA BOTTS, an individual; JASON CRAIG, an individual; KRISTI HAYS, an individual;
COLE MANN, an individual; VICTOR ROMERO, an individual; GHEORGHE ROSCA, JR., an individual; and LESLIE SAWYER, an individual,**

Plaintiffs,

v.

**GAVIN NEWSOM, in his official capacity as Governor of the State of California;
ROBERT BONTA, in his official capacity as Attorney General of the State of California;
and TONY THURMOND, in his official capacity as California State Superintendent of Public Instruction,**

Defendants.

Case 2:24-cv-01941-DJC-JDP

**ORDER CONTINUING BRIEFING
SCHEDULE FOR RULE 12(B) MOTION**

On September 13, 2024, the Parties filed a Stipulation to continue the briefing schedule for Defendants' Motion to Dismiss. Pursuant to the Stipulation, the deadline for Defendants to

1 file a Motion to Dismiss pursuant to Rule 12(b) in response to the Amended Complaint would be
2 extended to October 7, 2024; the deadline for Plaintiffs' opposition would be extended to
3 November 8, 2024; and the deadline for Defendants' reply to Plaintiffs' opposition would be
4 extended to November 25, 2024. The Parties further stipulated that the Motion would still be
5 heard on December 19, 2024.

6 This Stipulation was agreed upon because Defendants' counsel who is primarily
7 responsible for drafting the Motion to Dismiss was unexpectedly selected to be a juror on a trial
8 taking place during the two weeks prior to the current September 23, 2024 deadline to file the
9 Motion to Dismiss. Defendants' counsel requested that the briefing schedule be extended to allow
10 Defendants sufficient time to prepare their Motion in this matter that involves important and
11 novel issues of constitutional law, and may impact the rights of Californians statewide. The
12 Stipulation does not constitute a waiver of any claim, right, or defense.

13 The court, having considered the Parties' Stipulation and finding good cause therefor,
14 hereby GRANTS the Stipulation and ORDERS as follows:

- 15 1. Defendants' deadline to file a Motion to Dismiss pursuant to Rule 12(b) in
16 response to the Amended Complaint is extended to October 7, 2024;
- 17 2. Plaintiffs' opposition to Defendants' Motion to Dismiss is due on November 8,
18 2024;
- 19 3. Defendants' reply to Plaintiffs' opposition is due November 25, 2024; and
- 20 4. The Motion to Dismiss will be heard on December 19, 2024, as previously
21 ordered.

22 IT IS SO ORDERED.

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24 Dated: September 16, 2024

/s/ Daniel J. Calabretta

25 THE HONORABLE DANIEL J. CALABRETTA
26 UNITED STATES DISTRICT JUDGE
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